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REMARKS

Claims 1-21 are pending in the application. All claims stand rejected under 35 U.S.C. §112, second paragraph, for indefiniteness. Applicants traverse these rejections for the reasons set forth below and submit that all of the claims are in a condition for allowance.

With regard to objection of claim 5 set forth in paragraph 4 of the Office Action, Applicants have corrected the claim as suggested in the Office Action.

With regard to the rejections under 35 U.S.C. §112, second paragraph, Applicants traverse. As stated by the Board:

“In rejecting a claim under the second paragraph of 35 U.S.C. §112, it is incumbent upon the Examiner to establish that one of ordinary skill in the pertinent art, when reading the claims in light of the supporting specification, would not have been able to ascertain with a reasonable degree of precision and particularity, the particular area set out and circumscribed by the claims.”

Ex Parte Wu, 10 USPQ2nd 2031, 2033 (BPAI 1989).

In most cases, rejections for indefiniteness arise out of Applicants' use of relative terms or terms of degree. However, that is not the case in this instance. Here, Applicants have claimed a control system for a vehicle in independent claims 1 and 16 using definite claim terms. The terms are clearly supported by the claims themselves, and explained in greater detail in the specification. Specifically, regarding the phrase “a plurality of vehicle inputs”, this phrase does not lack an antecedent basis. It does not lack an antecedent basis in claims 1 and 16, and it is supported by the specification at paragraphs [0015], [0016] and [0017], for example. In the specification, it is explained that vehicle inputs can include any number of vehicle sensor data points. Such vehicle inputs may include the vehicle speed, the longitudinal acceleration, the yaw rate, the vehicle roll rate, tire pressure, pitch rate, pitch acceleration, lateral acceleration, the position of the steered wheels at the road, and the like. Accordingly, Applicants submit that there is nothing indefinite about the Applicants' use of the phrase “a plurality of vehicle inputs”. Nevertheless, Applicants have clarified independent claims 1 and 16 to

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note that the vehicle inputs are derived from a plurality of vehicle sensors providing relevant data points.

Applicants have also clarified independent claims 1, 16 and 21 to remove any potential for confusion (which is evidenced in the Office Action) regarding Applicants' use of the term "desired path" (claims 1 and 21) and "desired condition" (claim 16). Specifically, Applicants have corrected claims 1, 16 and 21 to clarify that the controller determines a predicted path in response to certain inputs, and the controller determines a desired path in response to the GPS system. (Claims 1 and 21). Also, the controller determines a predicted condition in response to certain inputs and the controller determines a desired condition in response to the GPS system and the driving conditions. (Claim 16). Accordingly, the ambiguity noted in the Office Action with respect to claims 1 and 16 has been overcome and the rejections under 35 U.S.C. §112 should be withdrawn.

With regard to the use of the phrase "driving conditions" (in claim 16), Applicants submit that this phrase is also definite and supported by the specification. For example, paragraph [0018] of the specification details one example of a driving condition database coupled to the controller. As explained in the specification, the driving condition database may determine or record driving conditions which are often experienced by the vehicle. For example, on a vehicle operator's ride to work, certain parameters, including the vehicle speed and direction, may be experienced often on various roads. These inputs may be used to generate the desired path by the controller. Accordingly, Applicants submit that one of skill in the art reading the claims in light of the specification can readily ascertain with a reasonable degree of precision and particularity the particular area set out and circumscribed by the claims. Therefore, Applicants respectfully request that the rejection under 35 U.S.C. §112 with regard to claim 16 be withdrawn.

With regard to claim 21, Applicants also traverse the rejection. Claim 21 is a method claim. Thus, there is no need for Applicants to disclose any particular structure in the claims for performing the recited method steps. For example, the method step "generating the vehicle position signal for a vehicle relative to a surface" could be

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performed by a global positioning system as in the example set forth in the specification. It could also be performed by systems other than a global positioning system as is known in the art. Applicants therefore do not understand the basis for the Examiner's rejection of claim 21, and request that this rejection be withdrawn.

Having overcome all of the objections and rejections set forth in the Office Action, Applicants submit that claims 1-21 are in a condition for allowance. A Notice of Allowance indicating the same is therefore earnestly solicited. The Examiner is invited to telephone the Applicants' undersigned attorney at (248) 223-9500 if any unresolved matters remain.

Respectfully Submitted,

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